

EXHIBIT 1

From: Mario Alioto <MAlioto@TATP.com>
Sent: Thursday, August 20, 2015 2:27 PM
To: Francis Scarpulla
Subject: RE: CRT

The information you have requested is being reviewed. Can you tell me why you need to review the information.

If you like, we can discuss this next week. I also need to discuss your fee declaration with you.

Are you available next Wednesday afternoon at 2 pm for a call.

Mario N. Alioto
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2280 Union Street
San Francisco, CA 94123
Telephone: 415 447-1650
Facsimile: 415 346-0679

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From: Francis Scarpulla [mailto:fos@scarpullalaw.com]
Sent: Wednesday, August 19, 2015 10:45 AM
To: malioito@tatp.com
Subject: FW: CRT

From: Francis Scarpulla
Sent: Wednesday, August 19, 2015 10:45 AM
To: 'malioito@tatp.co' <malioito@tatp.co>
Subject: CRT

Mario:

I have asked the accounting firm for copies of all reported time in this case, but have not received the courtesy of a reply. Please ask that firm to send me the time and expense reports from inception to date so that I can inspect them for purposes of filing any appropriate statement with the Court (or Special Master if one is appointed). This is the last time I am going to ask for this information; if it is not forth coming I will file an appropriate motion with the Court.

I would also like to receive the common fund accounting, including all contributions by firm and all payments, as well as copies of all bank statements.

Thank you.

Fran

EXHIBIT 2

Cate Cusick

From: Francis Scarpulla
Sent: Thursday, October 1, 2015 3:17 PM
To: MARTIN QUINN; Emilio Varanini (Emilio.Varanini@doj.ca.gov); Allan Steyer; Brian Joseph Barry; Christopher Lovell; Craig Corbitt; Daniel Edward Birkhaeuser; Daniel R. Karon; Fred Furth (fredpfurth@gmail.com); Josef D. Cooper; Joseph M. Patane; Lawrence G. Papale; Lizabeth Brady; Mario Alioto; Robert J. Bonsignore; Robert J. Gralewski, Jr.; Sherman Kassof; Susan G. Kupfer; Sylvie K. Kern; Terry R. Saunders; Theresa Moore; Timothy D. Battin
Cc: Sandra Chan; Marlo Cohen
Subject: RE: In re: Cathode Ray Tube (CRT) Antitrust Litigation; Case No. 3:07-cv-5944 SC

Dear Special Master Quinn:

I do want to let Your Honor know that I intend to object to the settlements and to the award of fees, so I respectfully request that any schedule accommodate the process for a complete review of the underlying facts. Any objections I might have to allocation of any awarded fees can be left for future scheduling.

Respectfully,

Francis Scarpulla

EXHIBIT 3

1 FRANCIS O. SCARPULLA (CA SB 41059)
2 PATRICK B. CLAYTON (CA SB 240191)
3 LAW OFFICES OF FRANCIS O. SCARPULLA
4 456 Montgomery Street, 17th Floor
5 San Francisco, CA 94104
Telephone: (415) 788-7210
Facsimile: (415) 788-0706
Email: fos@scarpullalaw.com
pbc@scarpullalaw.com

6 | Counsel for Indirect-Purchaser Plaintiffs

7 JOSEF D. COOPER (CA SB 53015)
8 TRACY R. KIRKHAM (CA SB 69912)
9 JOHN D. BOGDONOV (CA SB 215830)
COOPER & KIRKHAM, P.C.
357 Tehama Street, Second Floor
San Francisco, CA 94105
Telephone: (415) 788-3030
Facsimile: (415) 882-7040
Email: jdc@coopkirk.com
trk@coopkirk.com
jdb@coopkirk.com

13 | Counsel Indirect-Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

18 | In re: CATHODE RAY TUBE (CRT)
19 | ANTITRUST LITIGATION.

Master File No. 3:07-cv-5944 SC

MDL No. 1917

20 This Document Relates to:

OBJECTIONS TO: (1) SETTLEMENTS WITH PHILIPS, PANASONIC, HITACHI, TOSHIBA, SAMSUNG SDI, THOMSON AND TDA DEFENDANTS AND (2) ATTORNEYS' FEES

21 || All Indirect-Purchaser Actions.

Date: November 13, 2015
Time: 10:00 a.m.
Courtroom: One, 17th Floor
Judge: The Honorable Samuel Conti

27 OBJECTIONS TO: (1) SETTLEMENTS WITH
28 PHILIPS, PANASONIC, HITACHI, TOSHIBA,
SAMSUNG SDI, THOMSON AND TDA
DEFENDANTS AND (2) ATTORNEYS' FEES

Master File No. 3:07-cv-5944 SC
MDL 1917

1 timesheets. That way a reasonable analysis can be made of the time spent and whether such time
2 was necessary and productive.⁵

3 3. Because Lead Counsel had never tried an antitrust case before, he had to ask
4 for help from more experienced counsel. Instead of relying on experienced trial counsel already in
5 the case – and therefore familiar with the facts and law – Mr. Alioto brought in three firms who
6 had not previously been in the case – Fine Kaplan & Black from Philadelphia, Freedman Boyd
7 Hollander Goldberg Urias & Ward, PA from Albuquerque, and Hulett Harper Stewart, LLP from
8 Los Angeles. These firms joined this case in mid-December 2014. In the last couple of weeks of
9 December, they expended approximately \$1,557,700 in lodestar. The last settlement was
10 completed in April 2015. In the first three months of 2015, these three firms spent another
11 \$2,259,900 in lodestar, for a total of about \$3,817,600, which Lead Counsel wants the Class to
12 pay. These fees should be paid by Lead Counsel out of any fees awarded to his firm, not the
13 Class. If Mr. Alioto were competent to be Lead Counsel, he should have been able to try this case
14 with the assistance of the experienced trial counsel who had been in the litigation from the
15 beginning.

16 4. Because a substantial amount of lodestar was logged by attorneys who do
17 not have significant antitrust experience – and therefore were engaged in a learning experience –
18 their excessive time should not be charged to the Class. Rather, all timesheets should be produced
19 so that discovery can be taken in order to place in the record any such shortcomings and protect
20 Class members from unnecessary fee awards.

21 5. The time categories contained in Lead Counsel's collective fee declarations
22 are too broad. It is impossible to know what was actually done by counsel based on these
23 categories. For example, Lead Counsel engaged in a protracted fight with the California Attorney
24 General's office, but that wasted time is nowhere separately identified in the filed fee petition. It
25

26

27 ⁵ The undersigned has been seeking these records since at least the first part of 2015, but none has
28 been produced.

EXHIBIT 4

Francis Scarpulla

From: Mario Alioto <MAlioto@TATP.com>
Sent: Friday, November 13, 2015 5:07 PM
To: Francis Scarpulla
Cc: 'Josef Cooper'; 'Tracy Kirkham'; 'John Bogdanov'; Patrick Clayton
Subject: RE: CRT

I recall some emails with you about this quite some time ago. I asked you why you needed the information and offered to discuss the matter with you. You said you were entitled to it because you were a lawyer in the case (without any further explanation) and you did not return my calls to discuss the matter. I assumed you dropped your request in light of the ruling in LCD and other applicable law. I don't believe there is any basis to be seeking this information at this late date. Let me know if you would like to discuss this further.

Mario N. Alioto
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San Francisco, CA 94123
Telephone:415 447-1650
Facsimile:415 346-0679

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From: Francis Scarpulla [mailto:fos@scarpullalaw.com]
Sent: Friday, November 13, 2015 3:44 PM
To: Mario Alioto
Cc: Josef Cooper; Tracy Kirkham; John Bogdanov; Patrick Clayton
Subject: Re: CRT

I hit the incorrect key; Monday is the 16th.

From: Francis Scarpulla
Sent: Friday, November 13, 2015 3:39 PM
To: Mario Alioto
Cc: Josef Cooper; Tracy Kirkham; John Bogdanov; Patrick Clayton
Subject: CRT

Mario:

Given the Court's recent order, for the fourth time, I hereby request that you send me the time-and-expense reports submitted by all IPP counsel, including all contemporaneously-maintained time sheets. I know that certain counsel reported on a regular basis their time and expenses to an accounting firm you engaged to gather and report time-and-expenses by firm. I want that information too. I also want all bank statements showing the deposits from any source, including assessment payments, as well as payments by the DAPs for access to our database. I also want all accounting of payments from all accounts into which such funds were

deposited. You have until Monday, November 15th, at 12 noon to agree to this request, because time is of the essence if we are to complete our analysis of not only the settlement issues we have raised, but also the fee issues currently before the Special Master.

Thank you.

Fran.